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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/605,201	06/27/2000	David Black	E0295/7146	4782

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EXAMINER

PEYTON, TAMMARA R

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 02/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/605,201

Applicant(s)

BLACK, DAVID

Examiner

Tammara R Peyton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 15, 16, 20, 23-25 and 30 is/are rejected.
- 7) ☒ Claim(s) 7-14, 17-19, 21, 22 and 26-29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7. 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claim 16 is rejected under 35 U.S.C. 102(e) as being anticipated by *Sunkara et al.* (US 6,523,032).
2. As per claim 16, *Sunkara* teaches a host comprising:
  - a processing unit; and

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- a memory interface module to permit accesses by the host computer (client) to a logical entity to be made to one a first physical storage location for a read requests (Slave database server, 103, 104, or 105) and to a different second physical storage location for a write requests (Master database server, 102), to prevent accesses by the host computer to the logical entity from being made to the second physical storage location for the read requests (reads are done by Slave databases, not Master database), and the prevent accesses by the host computer to the logical entity from being made to the first physical storage location for write requests (Slave database server, 103/107, 104/107, or 105/107), wherein the first and second physical storage locations are different. (Abstract, col. 4, lines 9-col. 6, lines 1-60)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 20, 23, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Sunkara et al.* (US 6,523,032) and *Sigal et al.*, (US 5,881,292)

4. As per claims 1-6, 15, 20, 23-25, and 30, *Sunkara* a method of moving a logical entity from a first storage element to a second storage element, the logical entity being capable of being accessed by a plurality of host computers, the method comprising steps of:

creating a copy of the logical entity on the second storage element (Master database server, 102);

moving all reads of the logical entity from each of the host computers to the second storage element; and

after the step of moving all reads, moving all writes to the logical entity to the second storage element. (Abstract, col. 4, lines 9-col. 6, lines 1-60)

5. *Sunkara* teaches a system including a master database server for servicing both read and write operations and a slave database server for servicing only read-only access to a user application. In order to prevent a consistency problem all updates are sent to the master database. However, *Sunkara* is silent in respect to ensuring that all reads to the master database server are completed before current updates (writes) are performed.

6. *Sigal* teaches a method of moving a logical entity (module version) from a first storage element (slave module) to a second storage element (master module), the logical entity being capable of being accessed by a plurality of host computers (User1,

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User2, or User3, Fig.5b). *Sigal* teaches creating a copy of the logical entity to a slave module that is accessible by User1, User2, or User3 and moving all reads (read-on copy) of the logical entity (module version) received from User1, User2, or User3 and then moving all the writes (updates) to the master module. *Sigal* teaches a system that allows read-only access of a logical entity to be opened by each of the host computers via a slave module. The write updates to the logical entity are sent to the master module but are not processed right away. *Sigal* teaches that a 'write' to the master module is only allowed after the last slave module is closed, thereby ensuring that all current 'reads' to the master module are performed before an update to the master module is allowed. All 'writes' to the master module are prevented until the last slave module is closed.

7. It would have been obvious to one of ordinary skill at the time the invention was made to implement *Sigal's* method that ensures separate moving of all reads for a logical entity are performed before write updates are moved to the master database with *Sunkara's* system, because doing so would improve the maintaining of current version applications for each of multiple users without any performance impact. (*Sigal*, col. 2, lines 1-46 and col. 11, lines 17-37)

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***All wabl Subject Matter***

Claims 7-14, 17-19, 21, 22, and 26-29 are objected to as being dependent upon a rejected base claim, but would be allowable if added to the rejected independent claim.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (703) 306-5508. The examiner can normally be reached between 6:30 - 4:00 from Monday to Thursday, (I am off every first Friday), and 6:30-3:00 every second Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin, can be reached on (703) 308-3301. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3718. Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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Faxes for Official/formal (After Final) communications or for informal or draft communications (please label "PROPOSED" or "DRAFT") sent to:

(703) 872-9306

Hand-delivered responses should be brought to:

USTPO, 2011 South Clark Place, Customer Window  
Crystal Plaza Two, Lobby Room 1B03, Arlington, VA, 22202 Crystal Park II, 2121.

A handwritten signature in black ink, appearing to read 'Tammara Peyton', is written over the printed name.

Tammara Peyton

January 29, 2004